S.B.CIVIL WRIT PETITION NO.1831/1995

Satya Dev Yadav vs. State of Rajasthan & Ors.

DATE OF ORDER :: 19th April, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.N. Trivedi, for the petitioner.
Mr. S.S.Ladrecha, Additional Government Advocate.

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The Director, Primary and Secondary Education, Rajasthan by a notification Annexure-2 invited applications from the eligible desirous candidates to be considered for recruitment to various posts including the post of Physical Training Instructor (Gr.III). According to para 12 of the notification referred above bonus marks on basis of place of residence were allowed to the aspirants while determining their merit for appointment. The petitioner in pursuant to the notification Annexure-2 submitted an application for appointment to the post of Physical Training Instructor (Gr.III), however, he was not selected. Hence, this petition for writ is preferred giving challenge to the grant of bonus marks on basis of place of residence.

A Full Bench of this Court in the case of Deepak Kumar Suthar Vs. State of Rajasthan has already declared the grant of such bonus marks illegal being in violation of Article 14, 15 and 16 of the Constitution of India. In view of it, the condition No.12 of the notification Annexure-2,

to the extent it prescribes for grant of bonus marks, is certainly illegal, however, the relief claimed by the petitioner for appointment cannot be given at this stage as the selection proceedings in question took place much back in the year 1995. The persons selected for appointment have already been employed and they are not party to the proceedings.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

jgoyal